HIGH COURT OF BOMBAY AT GOA.

MISC. CIVIL APPLICATION NO.894 OF 2004
IN
WRIT PETITION NO.516 OF 2004

Shri Raul Prazeres
Age 42, married, occupation business
Resident of C-1 lar Asiena
Caranzalem, Ilhas Goa. ... Petitioner.

V/s

1. State of Goa
through the Chief Secretary
with office at Vidhansabha Complex
Porvorim, Goa.

2. Goa Coastal Zone
Management Authority
Department of Science, Technology
And Environment through its Director
with its office at opposite Saligao
Seminary, P.O. Saligao
Bardez, Goa.

3. Village Panchayat at Mandrem
Taluka Pernem,
Through its Sarpanch
With office at Panchayat Bldg.,
Mandrem, Goa. ... Respondents.

Mr. V. Tulzapurkar with Mr. S. Usgaonkar, Advocates for the Petitioner.

Mr. M.B.Da Costa, Advocate General with Mr. J.A. Lobo, Additional Government Advocate for the respondents no.1 and 2.

CORAM: A.P. LAVANDE, J.

DATE: 1ST APRIL, 2005.

ORAL ORDER.

It is not necessary to hear respondent no.3 since no relief is claimed against respondent no.3. Heard learned counsel for the parties.

2. By this application the petitioner seeks leave to rely upon and produce General Power of Attorney dated 20.12.1998 executed by Sharat Chandra Sadashiv Desai and others in favour of Surendra Dessai. According to the petitioner the said document came in his possession after the inquiry before respondent no.2 was completed. According to the petitioner the said document is relevant for deciding the controversy. It is submitted by the learned Advocate General that the petitioner had sufficient opportunity before respondent no.2 and the proceedings lasted for about four months. According to the learned Advocate General the petitioner had sufficient opportunity and if the petitioner was interested in producing the said document, he ought to have produced the same before respondent no.2.

3. I find substantial merit in the submissions of learned Advocate General. Needless to mention that the environment

matters are to be decided expeditiously. When the show cause notice is given by the authority, the authority is expected to give reasonable opportunity to the person who is alleged to have violated the Environment Act. In the present case, I find that sufficient opportunity was given to the petitioner to put up his case and it was expected of the Petitioner to get all the documents in support of his case during the pendency of the proceedings and produce them before respondent no.2. I do not find any ground to permit the petitioner to rely upon and produce the said document at this stage when the matter is remanded by this Court to give opportunity to the petitioner to deal with the material relied upon by respondent no.2 which was not put to him.

4. I do not find any merit in the application and accordingly the same is dismissed. The application stands dismissed.

A.P. LAVANDE, J.

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